

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARLOS MANUEL BERMUDEZ,	:	CIVIL ACTION NO. 3:13-CV-0156
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CAROLYN W. COLVIN, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 22nd day of September, 2014, upon consideration of the report (Doc. 18) of Magistrate Judge Gerald B. Cohn, recommending the court dismiss the appeal (Doc. 1) of plaintiff Carlos Manuel Bermudez (“Bermudez”) from the decision of the administrative law judge (“ALJ”) denying his claim for disability insurance benefits and supplemental security income, wherein Judge Cohn finds the ALJ’s decision to be supported by substantial evidence, and, after an independent review of the record, the court in full agreement with Judge Cohn that the ALJ’s decision is supported by substantial evidence, see 42 U.S.C. § 405(g) (“The findings of the [Commissioner] as to any fact, if supported by substantial evidence, shall be conclusive.”); also Fargnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001) (“Where . . . findings of fact are supported by substantial evidence, [the district court is] bound by those findings, even if [the court] would have decided the factual inquiry differently.”), and the court noting that

Bermudez filed objections¹ (Doc. 19) to the report, and the Commissioner of Social Security² filed a response (Doc. 20), and the court finding Judge Cohn's analysis to be thorough, well-reasoned, and fully supported by the record, and the court further finding Bermudez's objections to be without merit and squarely addressed by the Magistrate Judge's report, it is hereby ORDERED that:

1. The report (Doc. 18) of Magistrate Judge Cohn is ADOPTED.
2. The decision of the Commissioner denying Carlos Manuel Bermudez's application for disability insurance benefits and supplemental security income is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Carlos Manuel Bermudez as set forth in Paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ When parties object to a magistrate judge's report, the court performs a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

² Michael J. Astrue's term as Commissioner of Social Security expired on January 19, 2013. Pursuant to Federal Rule of Civil Procedure 25(d), Carolyn W. Colvin, who succeeded Astrue and was appointed Acting Commissioner of Social Security on February 14, 2013, is substituted as defendant in this action. See FED. R. CIV. P. 25(d) ("An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party.").